



Town of Southern Shores

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Ordinance 2016-XX-XX

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town of Southern Shores (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the “Town’s Zoning Ordinance”) and has codified the same as Chapter 36 of the Town’s Code of Ordinances (the “Town Code”); and

WHEREAS, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Town’s Zoning Ordinance and Town Code of Ordinances as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses (“...”) shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina, that the Town Code shall be amended as follows:

PART I. That Section 36-57 [Definitions of specific terms and words] be amended as follows:

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1
2 **Sec. 36-57. Definition of specific terms and words.**
3

4 The following words, terms and phrases, when used in this chapter, shall have the
5 meanings ascribed to them in this section, except where the context clearly indicates a
6 different meaning:
7

8 Drive-through facility or establishment means a customer service facility located
9 on a lot greater than or equal to 2.5 acres within the principal structure, which is intended
10 to enable the customer to transact business with a customer service person located within
11 the principal structure without exiting the motor vehicle. It is presumed that the motor
12 vehicle exits the premises immediately upon the transaction of business.
13

14 Restaurant means a business engaged in the service of food and beverages to
15 patrons seated inside a building or, on a deck as delineated in a site plan approved by the
16 town or in a vehicle at a drive-through facility. To qualify as a restaurant, an
17 establishment shall have all the following:

- 18 (1) A food preparation area occupying at least 20 percent of the gross square
19 footage of the establishment;
20 (2) At least 75 percent of all customer seats designated for either fast casual or
21 full-service, full-menu, dining; and
22 (3) No more than 15 percent of the total square footage of the establishment
23 devoted to the following permitted accessory entertainment uses,
24 including and limited to; dance floor, stage, live performance and disc
25 jockey areas. Accessory entertainment uses referenced in this definition
26 shall be permitted in a restaurant provided these uses are clearly
27 subordinate in area, extent, hours of operation, and purpose to areas
28 designated for food preparation, service, and consumption.
29

30 **PART II.** That Section 36-207 [C general commercial district] be amended as follows:
31

32 **Sec. 36-207. C general commercial district.**
33

34 (b) *Permitted uses.*

- 35 (3) Service establishments, including such uses as:
36 h. Pharmacy, with or without a drive-through facility
37

38 (c) *Conditional uses.* The following uses shall be permitted as a conditional use,
39 subject to the requirements of this district; shall be subject to conditions and
40 modifications relating to impacts on adjacent properties, transportation and
41 transportation systems, transportation interconnectivity, stormwater, utilities and
42 telecommunications facilities (including capacity), vegetation and other elements of the
43 natural environment, noise, hours of operation, and other factors that the town council
44 finds applicable; and additional regulations and requirements imposed by the town
45 council, as provided in article X of this chapter:
46

- (1) Restaurants without a drive-through facility or with a drive-through facility, provided:
- a. Restaurants with a drive-through facility shall not exceed 2,500 square feet.
 - b. The location of the drive-through facility is a minimum of 100' from any residentially zoned property.
 - c. It allows for stacking of a minimum of six (6) cars.

ARTICLE III. Statement of Consistency with Comprehensive Plan and Reasonableness.

The Town's adoption of this ordinance amendment is consistent with the Town's adopted comprehensive zoning ordinance, land use plan and any other officially adopted plan that is applicable. For all of the above-stated reasons and any additional reasons supporting the Town's adoption of this ordinance amendment, the Town considers the adoption of this ordinance amendment to be reasonable and in the public interest.

ARTICLE IV. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the Town of Southern Shores, North Carolina which shall remain in full force and effect.

ARTICLE V. Effective Date.

This ordinance amendment shall be in full force and effect from and after the ____ day of _____, 201__.

Mayor

ATTEST:

Date: _____

Deputy Clerk

Vote: Ayes Nays

APPROVED AS TO FORM:

Town Attorney